IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRP.No. 385 of 2004()

AGAINST THE ORDER DATED 07/02/2004 IN EA 37/04 IN EP 41/03 IN OS.40/2001 of SUB COURT, NEDUMANGAD

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REVN. PETITIONERS: PETITIONERS/JUDGMENT DEBTORS:

1. **A.JAINET, MANALITHALAKKAL PUTHEN VEEDU, PURAVOORKKONAM MURI, KARAKULAM VILLAGE.**

2. **JAINET SHEENA, D/O.A.J.JAINET, MANALITHALAKKAL PUTHEN VEEDU, PURAVOORKONAM MURI, KARAKKULAM VILLAGE.**

3. **JAINET SHEEJA, D/O.A.JAINET, MANALITHALAKKAL PUTHEN VEEDU, PURAVOORKONAMMURI, KARAKULAM VILLAGE.**

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
SMT.RESHMI POULOSE

RESPONDENT/RESPONDENT: DECREE HOLDER:

RASALAYYAN, HOUSE NO.334, ANATHIKUDIYOOR VEEDU, DOORDARSHAN NAGAR, KUDAPPANAKKUNNU MURI, PEROORKKADA VILLAGE, FROM MEENOOTTUKAVU VEEDU, CHEENAKKAL VILALGE, NEYYATTILNKARA TALUK.

BY ADV. SRI.R.S.KALKURA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN,J

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C.R.P.No.385 of 2004

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Dated this the 18th day of July,2007

ORDER

This revision petition is filed against the order in E.A.37/2004 in E.P.41/2003 in O.S.40/2001 of the Subordinate Judge's Court, Nedumangadu. The execution proceedings was filed for the realisation of the decreed amount and the property was brought for sale. This E.A. was filed to raising an objection to the fixation of the upset price by the court below contending it to be too low and filed an affidavit. Nothing was stated in the affidavit as to what is the market value of the property and no evidence is adduced regarding as to how the upset price that is fixed is too low. Hence, the petition was dismissed. While admitting C.R.P, no stay was passed, but subsequently property has been sold. The learned counsel submits that the sale is also confirmed on 31.5.2004. In the absence of any averments regarding the market value of the property and in the absence of any evidence to show that the upset price fixed is too low, the

order passed by the court below does not call for any interference.

The Civil Revision Petition is dismissed.

P.R.RAMAN,JUDGE

dvs